



Entered on Docket
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING EIGHTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED,
IN WHOLE OR IN PART, UPON
INVESTMENT IN THE BAR USA LOAN**

Hearing Date: October 5, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Eighth Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in the BarUSA Loan”, [Docket No. 7354] (the
3 “Objection”); with appropriate notice of the Objection having been given; no response to
4 the Objection having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED:**

- 6 1. The Objection is sustained;
- 7 2. The claims listed in **Exhibit A** are disallowed to the extent those
8 claims are based upon a Direct Lender Investment in BarUSA Loan;
9 and.
- 10 3. To the extent the claims listed on **Exhibit A** are based upon
11 investments in loans other than the BarUSA Loan, this order does not
12 affect them and the USACM Trust may file further objections.

13
14 PREPARED AND RESPECTFULLY SUBMITTED BY:
15 **LEWIS AND ROCA LLP**

16 By /s/ Marvin Ruth (#10979)
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18 John Hinderaker (*pro hac vice*)
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24 *Attorneys for USACM Liquidating Trust*
25
26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the BarUSA/\$15,300,000 Loan
10725-02178	Marshal Brecht Trust Dtd 2/5/86	Marshall J & Janet L Brecht Trustees 640 Colonial Cir Fullerton, CA 92835	3,418,022.00	300,000.00
10725-02460	Mary Monica Cady IRA	3261 Waterview Ct Hayward, CA 94542-2124	125,788.98	30,000.00
10725-01239	Mathews, Max	C/O SCOTT D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy Las Vegas NV 89169	85,000.00	25,000.00
10725-02383	Minter Family 1994 Trust	Douglas & Elizabeth F Minter Ttees 5389 Conte Dr Carson City, NV 89701	1,244,089.74	200,000.00
10725-02353	Musso Living Trust Dtd 11/30/92	Walter & Barbara Musso Ttees Po Box 2566 Avila Beach, CA 93424	623,004.79	50,000.00
10725-01018	Nakashima, Vicky	1681 Fairburn Ave Los Angeles, CA 90024	155,000.00	50,000.00
10725-02026	Nevins Jt Ten, Richard & Michele	1547 Bob Goalby LN El Paso, TX 79935	2,798,759.62	1,000,000.00
10725-01480	Norman & Charlene Prins Revoc Living Trust	Dtd 10/29/03 Norman & Charlene Prins Ttees	118,827.74	30,000.00

EXHIBIT A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the BarUSA/\$15,300,000 Loan
		7425 W 104Th St Bloomington, MN 55438-2114		
10725-00494	RNR Living Trust Dtd 10/1/04	C/O Robert & Renee Levy Trustees 2115 Bensley St Henderson, NV 89044-0155	200,000.00	50,000.00
10725-01666	Robert A. And Tina M. Kehl	Janet L Chubb Esq Jones Vargas Po Box 281 Reno, NV 89504-0281	1,896,046.24	500,000.00